

Appl. No. 09/978,504
Amndt. dated September 17, 2007
Reply to Office Action of May 29, 2007

Remarks

The present amendment responds to the Official Action dated May 29, 2007. A petition for a one month extension of time and authorization to charge our credit card accompany amendment. The Official Action rejected claims 53 and 54 under 35 U.S.C. 112. Claims 1-7, 10-27, and 51-54 were rejected under 35 U.S.C. 102(c) based on Tran U.S. Publication No. 2002/0095368 ("Tran"). Claims 8 and 9 were rejected under 35 U.S.C. 103(a) based on Tran in view of Hayes U.S. Publication No. 2002/0138399 ("Hayes"). The Official Action did not explicitly state any ground of rejection for claims 28-50, but also did not state that these claims were allowed. The Official Letter cover sheet indicates they were rejected. The grounds of rejection are addressed below. Claims 1, 28, 53, and 54 have been amended to be more clear and distinct. Claims 1-54 are presently pending.

The Section 112 Rejections

The Official Action rejected claims 53 and 54 under 35 U.S.C. 112 as indefinite. With the present Amendment to claim 53, this ground of rejection has now been overcome and should be withdrawn.

The Art Rejections

All of the claims were rejected based on Tran, alone or in combination with Hayes. As addressed in greater detail below, Tran and Hayes do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Tran and Hayes made by the Official Action and respectfully traverse the Official Action's analysis underlying its rejections.

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The Official Action rejected claims 1-7, 10-27, and 51-54 under 35 U.S.C. 102(e) based on Tran. In light of the present amendments to claims 1, 51, and 53, this ground of rejection is respectfully traversed.

Claim 1, as amended, addresses, inter alia, a first and second user terminal generating an offer to sell or to buy an item in accordance with first offer criteria and a second user terminal generating an offer to buy or to sell a corresponding item in accordance with second offer criteria. Claim 1 further addresses comparing the offer criteria to match an offer to sell and an offer to buy if any or all of their criteria match. Comparison is accomplished by evaluation of corresponding fields in buyer and seller offer specification forms generated by the first and second terminals. Claim 1 further addresses, in response to a match between the offers, opening a peer to peer communication channel between the user terminals that made the matching offers. This step of opening a peer to peer communication channel includes displaying at a buyer terminal a seller match interface. The match interface presents details of the matching offer that was generated by the seller terminal and providing a mechanism for choosing to participate in an auction for the item for which an offer was generated by the seller terminal. Claim 1 further addresses, upon selection by a buyer to participate in the auction, conducting an auction between those user terminals via the communication channel. The seller terminal acts as a server in order to conduct the auction. Tran does not teach and does not make obvious the limitations of claim 1 in the claimed combination.

Tran teaches systems and techniques for trading intellectual property, and allows posting of intellectual property assets and searching for sellers and buyers by, for example, browsing

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through listings of available assets and by entering criteria specifying items and categories of interest. Tran also teaches an online trading portal allowing buyers and sellers to communicate about assets and to engage in transactions for the sale of assets, including online auctions. Tran does not teach establishing a match based on correspondence between fields in buyer and seller offer forms and opening a communication channel upon recognition of a match, with opening of the channel including presenting a buyer with a match interface presenting details of the matching offer and allowing the buyer to select to participate in an auction, and conducting an auction upon selection by a buyer to participate, with the seller terminal acting as server for conducting the auction. By basing a match upon corresponding fields in buyer and seller offers, the invention of claim 1 provides for automated analysis of matching criteria to simplify the process of identifying matching of offers, and by presenting a buyer with a match interface allowing the buyer to select to participate in an auction, the invention allows for a simplification of the process the buyer must undertake to decide whether or not to participate. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Claim 51, as amended, addresses, inter alia, an agent residing on a user terminal, including means responsive to recognizing a match between offers based on corresponding fields of buyer and seller offer specification forms and for opening a peer to peer communication channel between the host user terminal and another user terminal generating a matching offer. This step of opening of the peer to peer communication channel includes presenting a seller match form to a buyer providing details of an offer by a seller matching a corresponding offer of the buyer and presenting to the buyer an opportunity to select to participate in an auction for the

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item corresponding to the matching offer. Claim 51 further claims means for running an auction via the communication channel upon selection by the buyer to participate in the auction. For the reasons stated above with respect to claim 1, these features are not taught and are not made obvious by Tran. Claim 51, as amended, therefore defines over the cited art and should be allowed.

Claim 53, as amended, addresses a host user terminal for use in an online auction system for conducting an online auction on a communications network. The terminal comprises a memory storage device and a software agent resident on the memory storage device. The software agent includes instructions for generating an offer to buy or to sell an item and opening a peer to peer communication channel with a remote user terminal in response to a match between offers. Recognition of a match is based on a match between corresponding fields of buyer and seller specification forms. Opening of the peer to peer communication channel includes presenting on the other terminal a match form providing details of an item corresponding to a matching offer between host and remote terminals and providing a user of the remote terminal with an option to select participating in an auction. The software agent further includes instructions for running an auction on the host terminal upon selection by a user of the remote terminal to participate in the auction. For the reasons stated above with respect to claim 1, the limitations of claim 53 are not taught and are not made obvious by Tran. Claim 53, as amended, therefore defines over the cited art and should be allowed.

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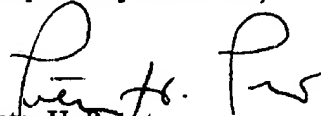
The Official Action rejected claims 8 and 9 under 35 U.S.C. 103(a) based on Tran in view of Hayes. Claims 8 and 9 are dependent claims having claim 1 as a base claim. Because claim 1 has been shown to be allowable, claims 8 and 9 should also be allowed.

The Official Action did not state any detailed ground for rejection of claims 28-50. However, the Applicants note that claim 28 includes limitations similar to those of claim 1 and defines over Tran on the same basis as claim 1.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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